

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN ANDREW FLORES,

Plaintiff,

v.

THE STATE OF NEW YORK ET AL.,

Defendants.

No. 24-CV-2969 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The Court is in receipt of the attached request filed by Plaintiff via mail. Plaintiff asks the Court to (1) extend the deadline for service upon Defendant Montigny, (2) “order [the] service address for” Defendants Montigny and Doe, and (3) to identify Defendant Doe.

First, Plaintiff’s request to extend the deadline for service upon Defendant Montigny is granted. Per the Court’s order of May 1, 2024, the Clerk of Court was directed to issue a summons and to provide the Marshals Service all the paperwork necessary to effect service on Defendant Montigny. *See* ECF No. 6, at 3. On May 9, 2024, the summons was issued. *See* ECF No. 7. On August 6, 2024, the Marshals Service reported that it was unable to execute service because Defendant Montigny was not on an “approved list,” “does not work at that building,” and is “listed as on leave and not at a facility.” *See* ECF No. 11.

“The fact that the Marshals Service was unable to locate [Defendant Montigny] at the address provided by [Plaintiff] . . . does not prevent the Court from finding that there was good cause for [Plaintiff’s] failure to timely serve [Defendant].” *Sidney v. Wilson*, 228 F.R.D. 517, 523 (S.D.N.Y. 2005). Where “a *pro se* prisoner-litigant proceeding *in forma pauperis*” has “provide[d] the information necessary to identify the defendant,” as Plaintiff has here, courts have uniformly

held that the Marshals' failure to effect service automatically constitutes good cause." *Ruddock v. Reno*, 104 F. App'x 204, 206–07 (2d Cir. 2004).

Second, courts have held that it is not a requirement of a *pro se* plaintiff proceeding *in forma pauperis* to provide a defendant's accurate address, as long as the defendant's identity is reasonably identifiable. *Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("It is unreasonable to expect incarcerated and unrepresented prisoner-litigants to provide the current addresses of prison-guard defendants who no longer work at the prison." (internal quotation marks omitted)); *Sidney*, 228 F.R.D. at 523 & n.11 (holding the same in a case where the plaintiff provided the address of the defendant-officer's former workplace, but the defendant had been suspended from employment). The Court thus directs the New York State Attorney General to provide the address at which Defendant Montigny can be served no later than September 6, 2024. *See Murray*, 378 F. App'x at 52 (stating that a district court "could have ordered the other defendants . . . to provide the Marshals with [a defendant's] last known address"); *Green v. Schriro*, No. 18-cv-01641, 2019 WL 1765220, at \*7 (E.D.N.Y. Apr. 22, 2019). Accordingly, the deadline for Plaintiff to serve Defendant Montigny is hereby extended for 90 days from the date the Attorney General provides the address at which Defendant Montigny can be served.

Finally, on May 1, 2024, the Court ordered the New York State Attorney General to ascertain the identity of Defendant John Doe and to provide Plaintiff with his badge number and an address where he may be served within sixty days of its Order. *See* ECF No. 6, at 3. No later than September 6, 2024, the Attorney General's Office shall file a letter on the docket providing this information.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

Further, the Clerk of Court is also directed to mail a copy of this Order to the New York State Attorney General at: New York State Attorney General's Managing Attorney's Office, 28 Liberty Street, 16th Floor, New York, NY 10005.

SO ORDERED.

Dated: August 23, 2024  
New York, New York

A handwritten signature in blue ink, appearing to be 'R. Abrams', is written above a horizontal line.

Hon. Ronnie Abrams  
United States District Judge

United States District Court Southern District of New York

(Page 1)

Date: 3/8/21

Case No. 21-cv-02969-RA

John Andrew Flores  
Plaintiff

District Judge:

- against -

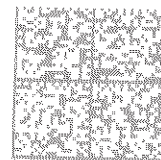
Reenie Abrams

The State of New York et al.

To:

Reenie Abrams: I would like to request extension of service deadline. I would like the court to order service address for officer S. Montigny and officer John Doe. I would like for the court to identify John Doe, pursuant to the order of service at (ECF #6)

Hudson County Corr. Center  
30-35 Hackensack Avenue  
Kenilworth, NJ 07032



US POSTAGE



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To: Ronnie Abrams / District Judge  
United States District Court  
Southern District of New York  
U.S. Courthouse 500 Pearl Street Rm. 200  
Ny. Ny 10007

(Legal Mail)